

Excerpts  
Planning Commission Minutes  
September 8, 2004

**Application No. UP-643-04, Thomas C. and Rebecca J. Waters:** Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize a 648 square foot accessory apartment on the second floor of a existing detached garage in the RR, Rural Residential District. The garage is located at 300 Railway Road (Route 620), on a 2.01-acre lot. The subject properties are further identified as Assessor's Parcel Nos. 25-35-G-001. The property is designated for Low Density Residential development in the Comprehensive Plan.

**Mr. Earl Anderson**, Planner, gave a summary of the staff report dated August 26, 2004, in which the staff recommended approval.

**Mr. Barba** asked if any complaints had been received, to which **Mr. Anderson** replied that no communication had been received from citizens about this application.

**Mr. Davis** expressed concern about the implications of the term "guests." **Mr. Anderson** said it referred only to short-term guests of the applicants' family and did not confer permission for renting or leasing the accessory apartment.

**Chair Simasek** opened the public hearing. Hearing no one, he closed the hearing.

**Mr. Barba** commented that the property was attractive and well maintained.

**Mr. Hamilton** moved adoption of proposed Resolution PC04-21.

PC04-21

On motion of Mr. Hamilton, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT  
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 300  
RAILWAY ROAD

WHEREAS, Thomas C. and Rebecca J. Waters have submitted Application No. UP-643-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 300 Railway Road and further identified as Assessor's Parcel No. 25-35-00-000G1; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of September, 2004, that Application No. UP-643-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within an existing two-story garage on property located at 300 Railway Road and identified as Assessor's Parcel No. 25-35-00-000G1, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of an existing two-story detached garage on property located at 300 Railway Road and further identified as Assessor's Parcel No. 25-35-00-000G1.
2. The apartment shall be contained within the existing structure located at the southwest corner of the subject property as indicated on the plat submitted by the applicant titled "Plat of the Property of Thomas C & Rebecca J. Waters, Parcel G-1 of resubdivision of parcel G of parcel G 8, parcel H, R.F. Presson, estate and W.M. Presson Estate," dated March 6, 1987, prepared by Becouvarakis and Associates, Land Surveying and received by the Planning Division on July 28, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on July 28, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 648 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any new impervious cover shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a

deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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